



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

DEC 18 2019

Cindy McCormick, P.E.  
Deputy Director/City Engineer Public Works Dept.  
City of Lancaster  
120 North Duke Street,  
Lancaster, Pennsylvania 17608-1599

Re: *United States v. City of Lancaster*, Civil Action No. 17-cv-5684

**Demand for Stipulated Penalties**

Dear Ms. McCormick:

The U. S. Environmental Protection Agency ("EPA"), following consultation with the Pennsylvania Department of Environmental Protection ("PADEP"), demands the payment of stipulated penalties by the City of Lancaster ("Lancaster") for violations of Paragraphs 41, 42 and 43 of the referenced Consent Decree ("CD" or "Decree"), which are subject to stipulated penalties under Section XI of the CD.

Paragraph 43 of the CD prohibits sanitary sewer overflows (SSOs). Paragraph 41 of the CD requires compliance with all effluent limits in Lancaster's National Pollutant Discharge Elimination System (NPDES) Permit No. PA 0026743. Paragraph 42 of the CD states that all dry weather overflows (DWOs) from the Combined Sewer System are prohibited. Lancaster has violated each of these Decree provisions.

On February 20, 2019, Lancaster had a DWO that discharged 210,000 gallons from the clay Street Combined Sewer Outfall into the Conestoga River in violation of the Decree. In accordance with Paragraph 84 of the Decree, EPA, following consultation with PADEP, assesses a stipulated penalty of \$2,000.

Lancaster exceeded its NPDES effluent limit for two Total Residual Chlorine Instantaneous Maximum violations on July 4, 2018 and July 5, 2018, in violation of the Decree. In accordance with Paragraph 85 of the Decree, EPA, following consultation with PADEP, assesses a stipulated penalty of \$2,000, \$1,000 for each effluent violation.



Lancaster had four SSOs, caused by fats, oils, and grease on May 11, 2018, May 15, 2018, August 22, 2018, and March 21, 2019. In accordance with Paragraph 84 of the Decree, EPA, following consultation with PADEP, assesses a stipulated penalty of \$8,000, \$2,000 for each overflow.

The total stipulated penalty demand for the violations noted above is \$12,000.

If Lancaster elects to invoke the dispute resolution procedures set forth in Section XIII of the CD (Dispute Resolution), it shall do so no later than fifteen (15) days after this receipt of this written notice.

According to Paragraph 91 of the Consent Decree, one half of the stipulated penalty amount, \$6,000 is to be paid to the United States and one half to the PADEP. Payment must be made within thirty (30) days of this written demand, in the manner specified in Paragraphs 60 of the CD. In addition, please email a copy of the Payment Transfer Confirmation referencing DOJ Docket No. 90-5-1-1-11135 and Civil Action No. 17-cv-5684 to: (i) [frankenthaler.douglas@epa.gov](mailto:frankenthaler.douglas@epa.gov); (ii) [CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov); and (iii) [R3\\_Hearing\\_Clerk @ epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

Your cooperation in this matter is appreciated. If you have technical questions regarding this matter, please contact Mr. Steve Maslowski, Enforcement Officer at (215) 814-2371. If you have legal questions, please contact Mr. Douglas Frankenthaler, Assistant Regional Counsel, at (215) 814-2472.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen Melvin".

Karen Melvin, Director  
Enforcement & Compliance Assurance Division

cc: Donna Duer, Esq., U.S. Department of Justice  
Douglas Frankenthaler, Esq., U.S. EPA  
Victor Landis, PADEP